

ENTERED

December 20, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISIONJUAN GONZALEZ
Plaintiff,

v.

STATE FARM LLOYDS,
Defendant.§
§
§
§
§
§

Civil Action No. 1:16-cv-00247

FINAL JUDGMENT

On May 26, 2016, Juan Gonzalez (hereafter “Plaintiff”) filed an action against State Farm (hereafter “Defendant”) in the 444th Judicial District Court in Cameron County, Texas, entitled *Gonzalez v. State Farm Lloyds*, Cause No. 2016-DCL-03527. Docket No. 1 at Ex. 2A. On September 23, 2016, Defendant filed “Defendant State Farm Lloyds’ Notice of Removal” (Docket No. 1), seeking to remove the case to federal court based on diversity jurisdiction, pursuant to 28 U.S.C. § 1332. *Id.* The case was assigned to Judge Rolando Olvera and referred to Magistrate Judge Ignacio Torteya, III.

On September 28, 2016, Plaintiff filed “Plaintiff’s Motion to Remand” (Docket No. 3), arguing that 28 U.S.C. § 1332’s \$75,000 amount in controversy requirement was not met because Plaintiff was only seeking \$26,902.37. Docket No. 3 at 1–2.

On October 3, 2016, before the Defendant’s response was due, the Magistrate Judge filed “Magistrate Judge’s Report and Recommendation” (Docket No. 7). The Magistrate Judge recommended dismissing the Plaintiff’s motion to remand because although the Plaintiff was seeking \$26,902.37 in economic damages, he did not abdicate his claim for treble damages prior to removal. Docket No. 7 at 3–4. The Plaintiff was given 14 days to object to the Report and Recommendation. *Id.* at 5. The Plaintiff did not object.

On October 27, 2016, this Court filed an “Order Adopting Magistrate Judge’s Report and Recommendation” (Docket No. 10). Shortly thereafter, on November 8, 2016, the parties jointly filed a “Notice of Settlement” (Docket No. 11), stating “that all claims and controversies between them have been resolved.” Docket No. 11 at 1. The parties also promised to “submit final disposition papers within thirty (30) days of this notice.” *Id.*

On November 16, 2016, this Court filed a “Notice to Parities” (Docket No. 13), instructing the parties to file the appropriate paperwork, including an Agreed Judgment, no later than thirty days from the notice. Docket No. 13. If the parties failed to do so, the Court stated that it would enter a *sua sponte* dismissal order. *Id.*

The deadline to comply with the notice was December 16, 2016. As of December 20, 2016, the parties have not submitted the Agreed Judgement.

Accordingly, it is **ORDERED** and **ADJUDGED** that:

1. The Court has jurisdiction over all parties and subject matter of this action and is empowered to provide relief herein.
2. The parties have entered into a settlement of all claims and causes of action alleged in Plaintiffs’ Petition, and all such claims are hereby settled and dismissed with prejudice.
3. The Clerk of Court is instructed to close this case.

Signed on this 20th day of December, 2016.



Rolando Olvera
United States District Judge